II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 28 June 1984

amending the Annexes to Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products

(84/378/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Directive 77/93/EEC (1), as last amended by Directive 81/7/EEC (2), and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

Whereas the Community plant protection system should include provisions on protective measures against harmful organisms such as Amauromyza, Liriomyza and Radopholus;

Whereas the provisions on protective measures against harmful organisms such as Erwinia amylovora, Leptinotarsa decemlineata and Quadraspidiotus perniciosus should be improved, and in particular adapted to the present distribution of such organisms;

Whereas it is appropriate, furthermore, to clarify certain provisions of the Annexes and to take into account some growing, harvesting and processing practices and other data in respect of potatoes, lucerne seed, tomato seed, conifer wood and growing media, including soil,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 77/93/EEC is hereby amended as follows:

1. In part A (a), the following is inserted before (1):

   '01. Amauromyza maculosa (Malloch)';

2. In part A (a), the following are inserted:

   '7a. Liriomyza huidobrensis (Blanchard),

   7b. Liriomyza sativae (Blanchard),';

(1) OJ No L 26, 31. 1. 1977, p. 20.
(2) OJ No L 14, 16. 1. 1981, p. 23.

3. In part A (a), points 17, 18 and 19 become points 02, 8a and 8b respectively;

4. Part A (e) (2) (a) is deleted;

5. Part A (e) (4) is replaced by the following:

'4. Potato spindle tuber viroid';

6. In part B (a), the following is inserted:

'10a. Liriomyza trifolii (Burgess)	Denmark, Greece, Ireland, United Kingdom Other Member States recognized as being free from Liriomyza trifolii in accordance with the procedure laid down in Article 16'.

Article 2

Annex II to Directive 77/93/EEC is hereby amended as follows:

In part A (a), the following are inserted:

'6a. Liriomyza trifolii (Burgess)	Plants of Apium graveolens L., Capsicum annuum L., Chrysanthemum L., Dendranthema (DC) Des. Moul, Dianthus caryophyllus L., Gerbera Cass., Gypsophila L., Solanum lycopersicum L., intended for planting, other than seeds'
'7a. Radopholus citrophilus (Huettel, Dickson and Kaplan)	Plants of Araceae, Citrus L., Fortunella Swingle, Maranthaceae, Musaceae, Persea Americana P. Mill., Poncirus Raf., Strelitziaceae, rooted or with growing medium attached or accompanying
7b. Radopholus similis (Cobb) Thorne (sensu stricto)	Plants of Araceae, Maranthaceae, Musaceae, Strelitziaceae, rooted or with growing medium attached or associated'.

Article 3

Annex III to Directive 77/93/EEC is hereby amended as follows:

1. Part A (8) is deleted;

2. In part A, the following is inserted:

'9a. Potato tubers (Solanum tuberosum L.), other than those officially certified as seed potatoes, pursuant to Directive 66/403/EEC	Without prejudice to the special requirements applicable to potato tubers under Annex IV (A): Turkey, USSR Third countries not belonging to the continent of Europe, other than the following: — Algeria — Cyprus — Egypt — Israel — Libya — Malta — Morocco — Syria — Tunisia';

3. In part A, the following is added:

'11. Plants of Citrus L., Fortunella Swingle, Poncirus Raf., other than fruit, seeds and parts of plants used for decoration	USA (Florida, Louisiana, Hawaii)
12. Growing medium as specified in Annex V (5) (a)	Turkey, USSR Third countries not belonging to the continent of Europe, other than the following: — Algeria — Cyprus — Israel — Malta — Morocco — Tunisia';

4. In part B (1), '(Citrus L.)' is replaced by '(Citrus L., Fortunella Swingle, Poncirus Raf.)';

5. In part B, the following is added:

'8. From 16 April to 30 September, in the case of origin in the Northern Hemisphere, and from 16 October to 31 March, in the case of origin in the Southern Hemisphere, plants of Chaenomeles Lindl./Cornus L., Cotoneaster (B. Ehrh.) Med., Crataegus L., Cydonia Mill., Malus Mill., Mespilus L., Prunus L., Pyrus L., Ribes L., Sorbus L., Symphoricarpos Duham, other than fruit, seeds and parts of plants used for decoration, originating in or coming from countries or, in the case of certain Member States, regions other than those recognized as being free from Quadraspidiotus perniciosus, in accordance with the procedure laid down in Article 16	Belgium, Denmark, Ireland, Luxembourg, Netherlands, United Kingdom
9. Plants of Cotoneaster (B. Ehrh.) Med., Crataegus L., Sorbus aria L., Stranvaesia davidiana Deche, and other genera, species or varieties of species deemed to be very sensitive to Erwinia amylovora, in accordance with the procedure laid down in Article 16	Greece, Ireland, Italy, United Kingdom (Northern Ireland), other Member States having taken official steps to restrict the planting of such plants at national level
10. Without prejudice to the prohibition applicable to plants under point 9, from 16 April to 31 October, in the case of origin in the Northern Hemisphere, and from 1 November to 15 April, in the case of origin in the Southern Hemisphere, plants of Chaeno-	Greece, France, Ireland, Italy, Luxembourg, United Kingdom (Northern Ireland), to the extent that, and for as long as, bearing in mind the possible spread of Erwinia amylovora, mention of these countries has not been deleted from this column in accordance with the procedure laid down in Article 16'

meles Lindl., Cotoneaster (B. Ehrh.) Med., Crataegus L., Cydonia Mill., Malus Mill., Pyracantha M. J. Roem, Pyrus L., Sorbus L. other than Sorbus Intermedia L., Stranvaesia Lindl., other than fruit and seeds, originating in countries or regions other than those recognized as being free from Erwinia amylovora in accordance with the procedure laid down in Article 16	

Article 4

Annex IV to Directive 77/93/EEC is hereby amended as follows:

1. The right-hand column of part A (1) is replaced by the following:

'The wood shall be stripped of its bark or there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20 % moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule';

2. In part A, the following is inserted:

'14a. Plants of Chaenomeles, Cornus, Cotoneaster, Crataegus, Cydonia, Malus, Mespilus, Prunus, Pyrus, Ribes, Sorbus, Symphoricarpus, other than fruit, seeds and parts of plants used for decoration, originating in or coming from countries where Quadraspidiotus perniciosus is known to occur	Without prejudice to the prohibitions applicable to the plants under Annex III (B) (8): (a) official statement: — that the provisions of Council Directive 69/466/EEC or – in the case of third countries – measures recognized to be equivalent, in accordance with the procedure laid down in Article 16, are applied, and — either that the plants originate in regions recognized as being free from Quadraspidiotus perniciosus, in accordance with the procedure laid down in Article 16, and no contamination by Quadraspidiotus perniciosus has been observed either at the place of production, or in its immediate vicinity, since the beginning of the last two complete cycles of vegetation, or — that no contamination by Quadraspidiotus perniciosus has been observed either at the place of production or in its immediate vicinity since the beginning of the last two complete cycles of vegetation, and the plants have been subjected at a suitable stage to fumigation or other appropriate

	treatment against that harmful organism, in accordance with a method approved in accordance with the procedure laid down in Article 16 or – in the absence of such approval – as required by the introducing Member State; (b) where fumigation or other treatment were not carried out as specified in the third indent of (a) the plants have undergone such fumigation or such treatment at a place approved by the official plant-protection organizations of the countries concerned
14b. Plants of Amelanchier, Cercidiphyllum, Euonymus, Fagus, Juglans, Ligustrum, Lonicera, Populus, Ptelea, Pyracantha, Rosa, Salix, Spiraea, Syringa, Tilia, Ulmus, other than fruit, seeds and parts of plants used for decoration, originating in or coming from countries where Quadraspidiotus perniciosus is known to occur	Official statement that the provisions of Directive 69/466/EEC or – in the case of third countries – measures recognized to be equivalent, in accordance with the procedure laid down in Article 16, are applied and official statement: — that no contamination by Quadraspidiotus perniciosus has been observed either at the place of production, or in its immediate vicinity, since the beginning of the last two complete cycles of vegetation, or — in the case of Rosa, that the plants have undergone fumigation or other appropriate treatment against that harmful organism, where agreed by the official plant-protection organizations of the countries concerned, in accordance with a method and at a place approved in such agreement';

3. Part A (15) is replaced by the following:

'15. Plants of Chaenomeles, Cotoneaster, Crataegus, Cydonia, Malus, Pyracantha, Pyrus, Sorbus other than Sorbus intermedia, Stranvaesia, intended for planting, other than seeds	Official statement that: — either the plants originate in countries or regions recognized as being free from Erwinia amylovora, in accordance with the procedure laid down in Article 16, or — no symptoms of Erwinia amylovora have been observed either at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation';

4. In part A, the following is inserted:

'15a. Plants of Araceae, Citrus, Fortunella, Maranthaceae, Musaceae, Persea, Poncirus, Strelitziaceae, rooted or with	Without prejudice to the prohibitions applicable to the plants listed in Annex III (A) (11) and (B) (1), official statement that: